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WILL TRUMP TRY TO SINK SAGE GROUSE CONSERVATION?

The Department of the Interior's sage grouse review is a big win for fossil fuel interests.

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Late in the evening on Wednesday, June 7th, Secretary of the Interior Ryan Zinke signed an order to review and possibly alter the crucial sage grouse conservation plans that the federal government painstakingly developed during Barack Obama's presidency. The order is the latest in the Trump administration's determined effort to unravel the environmental legacy of its predecessor, and a clear-cut victory for fossil fuel companies operating in the American West.

The greater sage grouse, if you're not already familiar with it, is a charismatic chicken-like bird that ranges over more than 160 million acres across 11 different states, including Wyoming, Montana, Colorado, Utah, Nevada, and California. Much of that land is federal and public, rich in natural resources and managed by the Bureau of Land Management or the United States Forest Service on behalf of the American people.

The grouse is a skittish creature that needs wide-open spaces free of human disturbance in order to survive. For years, its population has declined as oil and gas drilling, real estate development, road building, invasive species, wildfire, and other detrimental forces have fragmented and degraded its sagebrush steppe habitat. Indeed, since 1985 grouse populations have plummeted by a startling 30 percent across its range, and numerous studies, including a recent U.S. Geological Survey report, indicate that the explosive growth of oil and gas development in the American West over the last decade is associated with this decline.

"Oil and gas development has had a massive impact on sage grouse populations in areas where sagebrush habitats have been converted to full-field development," says Erik Molvar, the executive director of the Western Watersheds Project and one of many passionate grouse advocates across the West. He points, in particular, to the Powder River Basin of northeastern Wyoming, where "heavy coalbed methane drilling in the early 2000s dealt such a heavy blow to sage grouse survival that there is a strong possibility that sage grouse will go extinct across this region over the next 30 years." The bird, in other words, has been treated very badly.

In 2011, after years of legal wrangling over the grouse's fate, the U.S. Fish and Wildlife Service agreed in a court settlement to determine by September of 2015 whether to list the animal under the Endangered Species Act, or ESA. That settlement inspired feverish activity across the West, as powerful interests set out to avert federal protection for the bird.

The oil and gas industry, in particular, fought hard to keep the greater sage grouse off the endangered species list. Fearing that such a listing would hamper drilling in the intermountain West, industry groups, including an influential consortium of fossil fuel developers called the Western Energy Alliance, waged a relentless pressure campaign to prevent that outcome. They filed numerous administrative challenges to the scientific findings of federal agencies working on grouse conservation. They obtained and published the emails of leading Fish and Wildlife Service biologist Pat Deibert in an effort to undermine her credibility. In August of 2014, they even started airing video and radio advertisements meant to scare the public about the potential impacts of a grouse listing.

"UNPRECEDENTED COOPERATION BY PRIVATE LANDOWNERS, STATES, AND THE FEDERAL GOVERNMENT HAS CREATED A FRAMEWORK FOR CONSERVATION AT A SCALE UNIQUE IN THE WORLD."

"Environmental activists, teamed with powerful out-of-state lawyers," intoned one such ad, "are using bad science and the courts to stop responsible energy development and eliminate jobs for hard-working Westerners."

The industry's allies in Congress, meanwhile, did all they could to aid the anti-conservation cause. Republican politicians like Representatives Rob Bishop of Utah and Mark Amodei of Nevada, and Senator Cory Gardner of Colorado, introduced a stream of proposals in recent years to sabotage federal protection of the sage grouse. In December of 2014, for instance, Amodei injected a rider into a federal spending bill that effectively barred the Department of the Interior from listing the bird under the ESA during the 2014–15 fiscal year. That rider, in one form or another, has been renewed each year since.

The pressure was immense and, in the end, the U.S. Fish and Wildlife Service declined to grant the sage grouse ESA protections. Instead, it partnered with the Bureau of Land Management, the U.S. Forest Service, Western state governments, energy developers, business interests, and conservation groups to craft something of a compromise. Specifically, this coalition developed a series of sage grouse management plans that regulated land use on more than 65 million acres of grouse habitat. The plans, which included limits on energy and infrastructure development in the bird's core breeding grounds, were meant to ensure the species' survival and prevent the need for an ESA listing. Many lauded this herculean planning effort as a grand new model in landscape-scale species conservation.

"This is a new lease on life for the greater sage grouse and the entire sagebrush ecosystem," said National Audubon Society President and Chief Executive Office David Yarnold back in September of 2015, when the federal government unveiled the plans. "Unprecedented cooperation by private landowners, states, and the federal government has created a framework for conservation at a scale unique in the world."

Others, however, were not so satisfied. Numerous conservation groups, including WildEarth Guardians and the Center for Biological Diversity, criticized the plans as far too flexible and riddled with loopholes that would ultimately allow oil and gas development and other forms of disturbance in key grouse habitat, among other flaws. They filed a lawsuit in February of 2016 to strengthen the plans. The Western Energy Alliance, having gotten its way on the ESA listing, wasn't satisfied either. It filed its own targeted lawsuit to rollback key portions of the plans in May of 2016, calling them "imposed top-down, centralized plans that are less effective than state and private efforts and will needlessly kill jobs and economic growth in the West."

Oil and gas interests, though, needn't worry. President Donald Trump, with his fossil fuel-centric agenda, has come to the rescue. Zinke's order last week explicitly calls for a review of the sage grouse plans as they relate to energy development. Indeed, the review will include "identification of provisions [within the sage grouse management plans] that may require modification or rescission, as appropriate, in order to give appropriate weight to the value of energy and other development of public lands ... and to be consistent with the policy set forth in Secretary's Order 3349, 'American Energy Independence....'" Clearly, Zinke's sage grouse order has a lot to do with further opening up public lands to fossil fuel interests, sage grouse notwithstanding.

The many conservation groups that support the bird—from sportsmen to wilderness activists to endangered species advocates and more—are left with limited recourse. Thanks to the Congressional rider that bars the U.S. Fish and Wildlife Service from listing the sage grouse as endangered, the bird's allies will have a difficult time using the ESA to full effect should the Trump administration effectively hamstring or attempt to revise the federal sage grouse plans.

"If [Zinke's] review ends up leading to modification of the federal plans and reductions of protections for the birds, that may require revisiting the question about [ESA] listing," says Mark Salvo, vice president of landscape conservation at Defenders of Wildlife. "Congress, however, has not allowed that the last three to four years." The bird, then, is in a very bad bind.

In the end, the sage grouse saga offers more evidence of the immense power that industry has over the levers of government in this country, especially as they relate to public lands and wildlife management. From the sage grouse review to the ongoing attack on the Antiquities Act to the right-wing land transfer campaign, fossil fuel interests and their political allies are making their anti-conservation agenda a reality.